

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

GLENN MIZUKAMI,)	CIVIL NO. 12-00103 LEK-BMK
)	
Plaintiff,)	
)	
vs.)	
)	
DONNA EDWARDS; THOMAS D.)	
COLLINS III; The STATE OF)	
HAWAII and Gov. NEAL)	
ABERCROMBIE, Hon. BERT I.)	
AYABE judge of Circuit Court)	
of First Circuit, Hon. DANIEL)	
R. FOLEY judge Intermediate)	
Court of Appeals, DOES 1-10,)	
)	
Defendants.)	
_____)	

**ORDER (1) DENYING PLAINTIFF'S MOTION TO STRIKE
UNTIMELY 4/3/12 MEMO OPPOSING 3/29/12 PLAINTIFF
MOTION TO RECONSIDER 3/21/12 ORDER DENYING 3/9/12 MOTION
TO AMEND COMPLAINT - 2/29/12 ORDER; & FOR SANCTION AND
AWARD EXPENSE; AND (2) DENYING PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANTS,
REQUESTED BY 3/29/12 MOTION TO RECONSIDER
3/21/12 ORDER; AND FOR SET OF PROOF HEARING**

On February 21, 2012, pro se Plaintiff Glenn K. Mizukami ("Plaintiff") filed a Verified Complaint ("Complaint"), an Application to Proceed In Forma Pauperis and Affidavit ("Application"), and a Petition for Injunctive Relief and Declaratory Judgment ("Petition"). The Court dismissed the Complaint with prejudice and denied the Application and Petition as moot in a February 29, 2012 Order ("2/29/12 Order"). The same day, judgment was entered in favor of the defendants. On

March 9, 2012, Plaintiff filed a motion asking the Court to amend the 2/29/12 Order and judgment of dismissal, and to accept his proposed First Amended Complaint. The Court denied that motion in a March 21, 2012 Order ("3/21/12 Order"). On March 29, 2012, Plaintiff filed a motion for reconsideration of the 3/21/12 Order ("Motion for Reconsideration"). The Court denied the Motion for Reconsideration in a March 30, 2012 Order ("3/30/12 Order"). On April 4, 2012, Defendants Donna C. Edwards ("Edwards") and Thomas D. Collins, III ("Collins") filed a memorandum in opposition to the Motion for Reconsideration.

Before the Court are: 1) Plaintiff's motion to strike Edwards and Collins' memorandum in opposition ("Motion to Strike"); and 2) Plaintiff's "Motion for Entry of Default Judgment Against Defendants, Requested by 3/29/12 Motion to Reconsider 3/21/12 Order; and for Set of Proof Hearing" ("Motion for Default Judgment").

First, the Court DENIES Plaintiff's Motion to Strike. Insofar as Edwards and Collins filed their memorandum in opposition after the Court issued its 3/30/12 Order, the Court did not consider their memorandum in opposition in ruling on Plaintiff's Motion for Reconsideration. It is unnecessary to strike the document, and Plaintiff is not entitled to any sanctions or expenses merely because Edwards and Collins filed a memorandum in opposition that was moot.

Second, the Court DENIES Plaintiff's Motion for Default Judgment. Plaintiff seeks the entry of default judgment, based upon the arguments that he raised in the Motion for Reconsideration. As previously noted, however, this Court dismissed Plaintiff's Petition and issued judgment in favor of the defendants. Plaintiff therefore is not entitled to default judgment against any of the defendants. Further, the 3/30/12 Order stated: "Plaintiff is advised that judgment has been entered, this matter is closed, and the Court will not entertain further motions for reconsideration regarding the same issues raised in his previous motions." [3/30/12 Order.] **The Court therefore CAUTIONS Plaintiff that, if Plaintiff files any further motions addressing the same issues raised in his previous motions, the Court will automatically STRIKE the motion.**

CONCLUSION

On the basis of the foregoing, Plaintiff's "Motion to Strike Untimely 4/3/12 Memo Opposing 3/29/12 Plaintiff Motion to Reconsider 3/21/12 Order Denying 3/9/12 Motion to Amend Complaint - 2/29/12 Order; & for Sanction & Award Expense" and Plaintiff's "Motion for Entry of Default Judgment Against Defendants, Requested by 3/29/12 Motion to Reconsider 3/21/12 Order; and for Set of Proof Hearing", both filed April 12, 2012, are HEREBY DENIED.

The Clerk of Court is directed to serve the present

Order on Attorney Thomas Collins and on Hawai'i State Attorney General David Louie, who in turn are asked to notify the respective named Defendants whom they represent or have represented that this Order has been entered.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, April 18, 2012.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

**GLENN MIZUKAMI V. DONNA EDWARDS; CIVIL NO. 12-00103 LEK-BMK;
ORDER (1) DENYING PLAINTIFF'S MOTION TO STRIKE UNTIMELY 4/3/12
MEMO OPPOSING 3/29/12 PLAINTIFF MOTION TO RECONSIDER 3/21/12
ORDER DENYING 3/9/12 MOTION TO AMEND COMPLAINT - 2/29/12 ORDER; &
FOR SANCTION AND AWARD EXPENSE; AND (2) DENYING PLAINTIFF'S
MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANTS,
REQUESTED BY 3/29/12 MOTION TO RECONSIDER 3/21/12 ORDER; AND FOR
SET OF PROOF HEARING**